

REMARKS/ARGUMENTS

Applicants respectfully submit this response to the Final Office Action dated July 6, 2004. Claims 6 and 29-31 have been cancelled. Claims 2, 5, 7, 9-13, 16-19, 21, and 35 have been amended. Claims 2-5, 7-13, 16-27, and 35-36 remain pending in the application. Applicants believe that there is no fee due at this time; however, the Director is authorized to charge any additional fees due or credit any overpayment, to our Deposit Account No. 19-1090.

Rejections Under 35 U.S.C. § 112, First Paragraph

The Examiner rejected claims 5-7 under 35 U.S.C. § 112, first paragraph, because the specification purportedly does not enable a person skilled in the art to make the invention commensurate within the scope with the claims. The Examiner acknowledges that the specification provides enablement for collecting win/loss statistics for the primary player. However, the Examiner states that the specification does not reasonably provide enablement for determining the odds of the primary player winning or losing based on these statistics. The Examiner's rationale for this latter statement is that the collection of win/loss statistics for a primary player has absolutely no bearing on the odds for or against the primary player winning the next game played because the odds are determined by the game itself.

Applicants submit that there is a correlation between the win/loss statistic for a primary player and the odds for or against the primary player winning the next game. This correlation, in one instance, reflects the skill of the player. By way of example, the skill level of the primary player in a game of blackjack will, in the long run, determine how close the primary player comes to the theoretical odds. The theoretical odds are set by the rules of the game and are configured to give opposing players (*e.g.*, a blackjack and the casino dealer) a 50% chance of winning, at most. Often times, however, the theoretical odds in a casino game are arranged to give the casino at least a slight advantage over the players.

It is understood that a highly skilled blackjack player is likely to follow a perfect strategy more consistently, allowing the highly skilled player to approach or equal the theoretical odds, which are based on perfect play. In contrast, a poorly skilled player is unlikely to consistently follow the perfect strategy, and will consequently fail to achieve the theoretical odds

over the long run. Implicit in this is an understanding that there are correct decisions (*i.e.*, perfect strategy) based on the particular cards that are drawn, which decrease the likelihood of losing, or conversely increase the likelihood of winning. Deviation from these decisions will not necessarily result in losses, but will increase the likelihood of losses over the long run. This is true of most, if not all, games involving skill such as blackjack and poker.

In other games, which do not involve skill in making decisions during the play of the game, a primary player's skill in following various betting systems may affect the overall winnings and losses of the player. For example, a highly skilled player may select a certain combination of bets in roulette or craps, hedging bets to maximize winnings while minimizing losses. A poorly skilled player would be less likely to follow a complex betting system consistently, and would consequently not maximize their winnings while minimizing their losses.

Thus, a skillful player is much more likely to approach the theoretical limit and maintain a higher win/loss statistic than a non-skilled player over the long run. In the end, the difference between the overall win/loss statistics in terms of games won versus lost and/or money of two primary players is attributable to their relative levels of skill, which may include their knowledge of the game, their ability to follow complex playing and/or betting strategies, or some combination thereof. Thus, the secondary player, upon viewing the win/loss statistics of several primary players will likely select the more skillful player when making a secondary wager. Applicants respectfully submit that claims 5-7 are sufficiently enabled in the specification and requests that the Section 112 rejection be withdrawn.

Rejections Under 35 U.S.C. § 102(e)

Claims 2-4, 8, 9, 11-13, 18, 20-23, 25-27, 29, 31, 32 & 35 were rejected under 35 U.S.C. § 102(e) as being anticipated by Karmarkar (U.S. Patent No. 6,508,709). Applicants have amended each of the pending independent claims 2, 21 and 35 to place them in an allowable condition. With respect to claim 2, Applicants have included the limitations of "processing the statistics on a host computing system located in a secure area to determine at least a win/loss percentage corresponding to the primary player" and "the secondary wager being placed after the

secondary player reviewed the statistics.” Karmarkar does not disclose, teach or suggest to process statistics to determine at least a win/loss percentage corresponding to the primary player.

Likewise, claim 21 provides the limitation of “processing the raw gaming information on a host computing system located in a secure area to generate at least one statistic about a primary player.” Again, Applicants submit that this limitation is not disclosed, taught, or suggested in Karmarkar.

Finally, in claim 35, Applicants provide the limitation of “a statistic corresponding to the primary player, the statistic computed with an amount of information obtained by the primary wager input device, the statistic made available to the secondary wager input device without requiring raw data input from the secondary player.” This limitation is not disclosed, taught, or suggested in Karmarkar.

Rejections Under 35 U.S.C. § 103

The Examiner lodged a rejection under 35 U.S.C. § 103(a) citing Karmarkar in view of Corkin, Jr. (U.S. Patent No. 4,031,376). Due to the amendments to the claims, for instance, incorporating aspects of previously amended claim 5 into claim 2, Applicants herein provide the Examiner with detailed reasons for the allowance of the independent claims pending in the application.

Regarding independent claim 2, Karmarkar does not teach “processing the statistics on a host computing system located in a secure area to determine at least a win/loss percentage corresponding to the primary player” nor does Karmarkar teach “transmitting the statistics relating to the at least one primary player to a secondary player.” Although Corkin, Jr. teaches an odds calculator to generate factors based on past performance of a racehorse, the calculator in Corkin, Jr. is a personal calculator that only receives input directly from the user. Moreover, the user of the calculator, himself or herself, must seek out the information regarding a racehorse’s previous finishes, such as a first, second, third, or fourth place finish.

Unlike the calculator in Corkin, Jr., one aspect of Applicants’ invention is a seamless, automated method for “gathering statistics about a primary player through an automated means” without requiring any direct input from the secondary player. Further unlike

Corkin, Jr., the method of claim 2 provides for “processing the statistics on a host computing system located in a secure area.” Finally, the method of claim 2 is distinguished from Corkin, Jr. because the method provides for “transmitting the statistics relating to the at least one primary player to a secondary player.” In Corkin, Jr., the information input into the calculator is not transmitted to any other person, but merely displayed to the user of the calculator.

Regarding claim 21, a similar analysis applies as detailed above for claim 2. In addition, neither Karmarkar nor Corkin, Jr. teach or suggest “collecting raw gaming information with at least one sensor located at a gaming position.” Karmarkar does teach using video cameras to allow the secondary player to select a primary player. However, the selection process disclosed in Karmarkar teaches that the secondary players use only video images to watch and then select a primary player without the benefit of “processing the raw gaming information on a host computing system.” Therefore, the video cameras in Karmarkar do not perform the function of “collecting raw gaming information with at least one sensor.”

Regarding claim 35, neither Karmarkar nor Corkin, Jr. teach “a statistic corresponding to the primary player, the statistic computed with an amount of information obtained by the primary wager input device, the statistic made available to the secondary wager input device without requiring raw data input from the secondary player.” For the reasons set forth above, claims 2, 21, and 35 are not obviated by the combined references of Karmarkar and Corkin, Jr.

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Karmarkar and further in view of Lindo (U.S. Patent No. 6,575,834). Claims 16-19, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Karmarkar and further in view of Lindquist. (U.S. Patent No. 6,532,297). Claims 24 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Karmarkar. Each of the previously specified claims are dependent on independent claims, which have been amended herein to be in an allowable condition. Therefore, because the specified dependent claims include nonobvious limitations set forth in the corresponding independent claims, the dependent claims herein are also in an allowable condition.

Conclusion

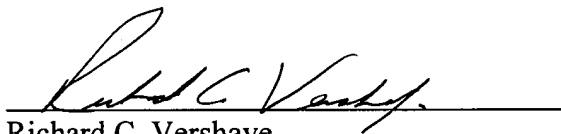
Overall, the cited references do not singly, or in combination, teach or suggest the claimed features of the embodiments recited in independent claims 2, 21, and 35, and thus such claims are allowable. All intermediate claims depend from allowable independent claims and include additional limitations, thus the intermediate claims are likewise allowable.

In light of the above amendments and remarks, Applicants respectfully submit that all pending claims are allowable. Applicants respectfully request that the Examiner reconsider this application and timely allow all pending claims. In the alternative, Applicants respectfully request that the Examiner promptly issue an Advisory Action in the event the Examiner decides to maintain the claim rejections. If the Examiner finds the claims allowable except for some minor informality, the Examiner is encouraged to contact Mr. Vershave by telephone to expediently correct any informality.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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